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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.7338 OF 2007

Bhausaheb Aba Chougule ... Petitioner

V/s.

Superintending Engineer & Ors. ... Respondents

Mr.M.S. Topkar for Petitioner

CORAM: **SMT.NISHITA MHATRE, J.**

DATED: **OCTOBER 3, 2007**

P.C.:

. The petition has been filed against the order passed by the Industrial Court dismissing the complaint since it was filed beyond the period of limitation. The Industrial Court has refused to condone the delay and, therefore, dismissed the complaint. The complainant has filed the complaint in 2003 contending that he was entitled to a deemed date of promotion from 23.7.1993 to the post of upper division clerk. The complaint having been filed after five years, the Industrial Court has rightly rejected the same by not condoning the delay. In the complaint, the petitioner has stated that he had submitted representations to the respondents to include his name in the seniority list and to give him a deemed date of promotion and it is for this reason that there was no delay.

2. In my view, the contention of the petitioner has rightly not been accepted by the Industrial Court. Merely submitting representations to the management cannot condone the period of delay. Apart from this, no application for condoning the delay has been filed which is necessary under the provisions of the MRTU & PULP Act.

3. Petition rejected.